

SENATE BILL 2167
By Woodson

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 13, relative to the Tennessee Public
Charter Schools Act of 2002.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-13-102, is amended by deleting subsections (c), (d) and (e).

SECTION 2. Tennessee Code Annotated, Section 49-13-104(7), is amended by deleting the language "private school" and by substituting instead the language "private K-12 school".

SECTION 3. Tennessee Code Annotated, Section 49-13-105(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) Except where waivers are otherwise prohibited in this act, a public charter school is exempt from all statutes, rules, and regulations applicable to a school, a board, or a district, although it may elect to comply with one (1) or more provisions of statutes, rules, and regulations. No public charter school shall be exempted from regulatory or statutory requirements related to:

- (1) Federal and state civil rights;
- (2) Federal, state and local health and safety;
- (3) Federal and state public records;
- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;

- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability;
- (11) Open meetings; and
- (12) At least the same equivalent time of instruction as required in regular public schools.

SECTION 4. Tennessee Code Annotated, Section 49-13-106(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Public charter schools may be formed to provide quality educational options for students. At least seventy-five percent (75%) of the prospective student population will be:

- (1) Students who are assigned to or were previously enrolled in a high priority school, as defined by the state's accountability system; or
- (2) Students who, in the previous school year, failed to test proficient in any subject on any of the state mandated tests; or
- (3) Students who are eligible for free or reduced price school lunch programs; or
- (4) Students who are eligible for special education services, per federal guidelines; or
- (5) Students who are eligible for ELL or ESL services, per state guidelines.

SECTION 5. Tennessee Code Annotated, Section 49-13-106(b), is amended by deleting the language "pursuant to the provisions of this chapter" and by substituting instead the language "pursuant to the provisions of this act".

SECTION 6. Tennessee Code Annotated, Section 49-13-106(b)(1)(A), is amended by deleting the language “November 15” and by substituting instead the language “August 15” and by deleting the language “local board of education” and by substituting instead the language “chartering authority”.

SECTION 7. Tennessee Code Annotated, Section 49-13-106(b)(1)(C), is amended by deleting the subdivision in its entirety.

SECTION 8. Tennessee Code Annotated, Section 49-13-106(b)(2)(B), is amended by deleting the language “without penalty”.

SECTION 9. Tennessee Code Annotated, Section 49-13-108, is amended by deleting the language “local board of education” wherever such language appears and by substituting instead the language “chartering authority”.

SECTION 10. Tennessee Code Annotated, Section 49-13-108(1), is further amended by deleting the language “sixty (60) days” wherever such language appears and by substituting instead the language “seventy-five (75) days”.

SECTION 11. Tennessee Code Annotated, Section 49-13-108(2), is amended by deleting the first sentence and by substituting instead the following:

“The chartering authority shall review charter school applications in a manner consistent with review and scoring guidelines developed by the Tennessee department of education.”

SECTION 12. Tennessee Code Annotated, Section 49-13-108(2), is further amended by inserting “Within fifteen (15) days of denial,” at the beginning of the second sentence.

SECTION 13. Tennessee Code Annotated, Section 49-13-108(3), is amended by deleting the last sentence of the subsection in its entirety.

SECTION 14. Tennessee Code Annotated, Section 49-13-109, is amended by deleting the second sentence of the section in its entirety.

SECTION 15. Tennessee Code Annotated, Section 49-13-111, is amended by adding the following as new, appropriately designated subsections:

(_) A public charter school shall be solely responsible for its financial obligations. Financial obligations of a charter school shall not constitute debt or financial obligations of the chartering authority unless the chartering authority expressly assumes such obligations in writing.

(_) A public charter school shall be responsible for its own operation including, but not limited to, budget preparation and amendment, contracting for services, curriculum preparation, amendment, and implementation, and personnel matters.

SECTION 16. Tennessee Code Annotated, Section 49-13-121(b), is amended by deleting the language “November 15” and by substituting instead the language “August 15”.

SECTION 17. Tennessee Code Annotated, Section 49-13-124, is amended by deleting the last sentence of the section and by substituting instead the following:

A public charter school may conduct activities necessary and appropriate to carry out its responsibilities such as:

- (1) Contract for services, except for the management or operation of the charter school by a for-profit entity;
- (2) Independently apply for qualified zone academy bonds without prior approval by the chartering authority;
- (3) Buy, sell or lease property;
- (4) Borrow funds as needed; and
- (5) Pledge its assets as security; provided, however, that those assets are not leased or loaned by the state or local government.

SECTION 18. This act shall take effect upon becoming law, the public welfare requiring it.

